



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

FILE
Doherty LAKE CO #14

JAN 28 11 05 AM '80
SANITARY ENGINEERING
DIVISION
STATE DEPT. OF HEALTH

23 JAN 1980

Guinn Doyle
Indiana State Board of Health
1330 W. Michigan St.
Indianapolis, Indiana 46206



Dear Guinn:

Per our conversation of January 17, here are our comments to the draft Agreed order in the Gary Development Company matter, cause No. B-406, by paragraph.

1. No comments.
2. The referent of "said work" is unclear. 90 days should be sufficient time to prepare and submit plans and specifications.
3. A. Omit the word "virtually".

B. "most" and "observed" leave openings for "some" and "unobserved" leachate to escape. This paragraph should specify some design requirements for the leachate design and collection system. There should also be a short (90 day) date for submission of an SPC-18 permit application.

C. Section 301 of the Clean Water Act prohibits the discharge of pollutants from such a source to navigable waters without a permit. This discharge is intentional and in violation of the Act; it is also intermittent and can be stopped by Gary Development. The date by which the application for an NPDES permit should be complete must be specified - suggest 30 days.

D. (1) Provisions for disposing of hazardous waste as well as refuse should be spelled out.

(2) The SBH should define suitable cover, and the Order should close the logical loop: you've asked for a cover definition and documentation of a "suitable" source, but have not required them to actually use it.

(3) Contour intervals should be spelled out.
4. Why allow them to operate one year without a permit? They have none at present, and theoretically should close down until they do have one. It was suggested you might issue a permit with a compliance schedule as with initial NPDES permits.

5. No comments.

6. No comments.


7. Rather than the order becoming null and void, shouldn't the land-fill be closed until a hearing can be held?

8. It seems strange to return a penalty to the violator if he doesn't meet the terms of the order.

9. We suggest a provision for liquidated damages or stipulated penalties for each day respondent misses any deadlines in the order.

I hope these prove helpful.

Very truly yours,


Jonathan T. McPhee